

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL )  
COUNCIL OF CARPENTERS PENSION )  
FUND, et al. )  
Plaintiffs, ) Case No. 12 C 611  
v. ) Judge Bucklo  
DRYWALL SERVICE, INC. )  
Defendant. )

Motion for Entry of Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court for an entry of judgment and in support Plaintiffs state:

1. This is an ERISA trust fund case seeking delinquent contributions, interest, liquidated damages, dues check-off and attorney fees.

2. On March 8, 2012 this Court entered an Order of Default against the Defendant for its failure to answer to the complaint. (Exhibit A)

3. The Order of Default directed the Defendant, among other things, to submit reports and contributions. The Court retained jurisdiction to enter a final judgment for the contributions and dues checkoff shown to be owed by way of an estimate or otherwise, including interest, liquidated damages and attorney fees pursuant to the trust agreements and ERISA Section 1132(g)(2). (Exhibit A)

4. The Defendant failed to submit the monthly reports despite several requests to do so. As a result an estimate was performed based upon the prior 12 month reporting period. The twelve month average is \$94,637.78 as a result the ERISA contributions claimed to be owed is \$189,275.56 for the months of November 2011 through December 2011. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of estimated dues withheld is \$9,829.64 for the period November 2011 through December 2011. (Exhibit B, affidavit of John Libby)

5. The Defendant owes interest on the unpaid ERISA contributions in the amount of \$1,354.29 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). (Exhibit B)

6. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$12,449.98 for the period August 2011 through December 2011 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit B)

7. The Defendant owes the sum of \$2,583.75 for necessary and reasonable attorney fees and costs of \$405.00 which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit C, affidavit of Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for entry of judgment be granted in the amount of \$215,898.22.

Respectively submitted,

s/ DANIEL P. McANALLY  
Attorney for Plaintiffs

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